



PINELLAS COUNTY
SCHOOLS

Governor's Sterling Award Winner

ADMINISTRATION BUILDING

301 Fourth Street S.W.
P.O. Box 2942
Largo, FL 33779-2942
(727) 586-1818
FAX (727) 588-6202

School Board of
Pinellas County,
Florida

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Vice Chairman
Jane Gallucci

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Carol J. Cook
Mary L. Russell

Superintendent
J. Howard Hinesley, Ed.D.

May 4, 2004

Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, DC 20554

Ref: Docket No. 02-6

To Whom It May Concern:

Attached please find a copy of an appeal sent to the SLD on July 17, 2003 from Pinellas County Schools, Billed Entity #127804. You will also find a copy of the Administrator's Decision on Appeal – Funding Year 2003– 2004 mailed on March 5, 2004. This letter is a request that you reconsider the decision made by the SLD for the reason below:

As stated in conversations with Mr. D'Agostino and also in the original appeal, funding has not been sought for entities that are not eligible. It is unclear how the SLD is assuming which entities were included in our Funding Request and which were not. A copy of an invoice for this service was provided to Mr. D'Agostino, listing each site receiving service and the monthly cost. At that time we explained the invoice included both eligible and non-eligible entities but that we only considered those sites that are eligible when calculating the amount we need to request in our Form 471. The SLD continues to believe that ineligible entities were included in our request based solely on the fact that they were included on the invoice copy that we sent. **With the exception of Sanderlin, which is an elementary school and is therefore eligible, none of the entities listed in the explanation section of the Appeal Decision Letter were included in our Funding Request.**

Please review the attached correspondence with the SLD. We feel certain that you will find the SLD has reached their decision in error and that our original funding request should be approved in full. Thank you for your time and effort in considering this matter. If you have any questions, please contact me at (727) 588-6363 or keltonn@pinellas.k12.fl.us.

Respectfully,

Norman Kelton,
Telecommunications Supervisor,
Pinellas County Schools

Pinellas County Schools is
an equal opportunity
institution for education
and employment.

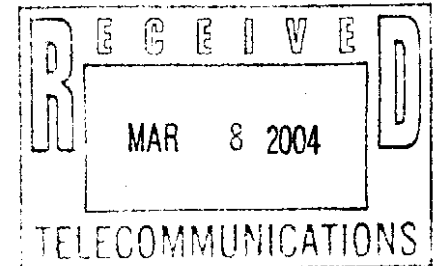


Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2003-2004

March 5, 2004

Norman Kelton
Pinellas County Schools
301 Fourth Street S.W.
P.O. Box 2942
Largo, FL 33779-2942



Re: Billed Entity Number: 127804
 471 Application Number: 369756
 Funding Request Number(s): 1008020
 Your Correspondence Dated: July 17, 2003

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year 2003 Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 1008020
Decision on Appeal: **Partially Approved**
Explanation:

- In your Letter of Appeal you acknowledged that a number of the entities listed on the billing documentation were ineligible and you indicated reimbursement was not sought for these entities. You also indicated the entity Largo Admin (Central Administration Building) was eligible and, in support, included correspondence with SLC regarding the conditional eligibility of Central Administration Buildings.
- Your appeal has brought forth persuasive information that funding should be provided for this request. However, during the review of your appeal, it has been determined that your request included ineligible users of services. Accordingly, your appeal has been Partially Approved and your requests have been reduced to remove the ineligible users of services listed below.

- The following recipients of service are ineligible for E-Rate services: Area I, 49th St Bus (2 accounts), Academia DaVinci, Area II, Area III (2 accounts), Area IV, Athenian Academy, City Bus Comp, Clearwater Evening, Countryside/Transit, Dixie H Auditorium, Ed Foundation, Euclid Center (2 accounts), Fed Project, H P S C, High Point Service Center, Jane Gallucci, Lakewood Com, Lealman Bus Comp, Palm Harbor Community, PTEC Family Ed, Robinson Family Ed, Sanderlin, Stavros, Tarson Com/Even Start, Title 1 center, Title 1 center/Even Start, Tomlinson Ad (2 accounts), W P S C, and W P S C / Annex, Starkey Tile 1. The charges associated with these recipients totaled \$227.30 monthly.
- FCC rules provide that funding may be approved only for eligible *services/users*. See 47 C.F.R. §§ 54.502, 54.503. The USAC website contains a list of eligible services. See USAC website, <http://www.universalservice.org>, Eligible Services List. Program procedures provide that if less than 30% of an applicant's funding request includes ineligible *services/users*, the funding request must be reduced. 7.23% of your funding request was for ineligible *services/users*. Therefore, your funding request has been reduced. It has not been determined through our review of your appeal that the amount of the request that we reduced was for eligible items.

Since the Administrator's Decision on Appeal approves additional funding for your application, SLD will issue a new Funding Commitment Decision Letter to you and to each service provider that will provide the services approved for discounts in this letter. SLD will issue the Funding Commitment Decision Letter to you as soon as possible. The Funding Commitment Decision Letter will inform you of the precise dollar value of your approved funding request. As you await the Funding Commitment Decision Letter, you may share this Administrator's Decision on Appeal with the relevant service provider(s). However, Forms 486 cannot be filed for the services covered by this appeal until you have received your new Funding Commitment Decision Letter.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



**PINELLAS COUNTY
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July 17, 2003

**School Board of
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Florida**

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Vice Chairman
Jane Gallucci

Lee Benjamin
Nancy N. Bostock
Mary L. Tyus Brown
Carol J. Cook
Mary L. Russell

Superintendent
J. Howard Hinesley, Ed.D.

Reference: FCDI. for 471# 369756, FRN 1008020

Attention: Letter of Appeal
Schools and Libraries Corporation
Box 125-Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

To Whom It May Concern:

This letter is an appeal of the Funding Commitment Decision for Form 471 Application # 369756, for Funding Year 2003: 07/01/2003 – 06/30/2004 for Billed Entity # 127804. The Funding Commitment Decision Letter, dated May 27, 2003, was sent to the contact for Pinellas County Schools, Shannon Eddinger.

The letter identified the Funding Commitment Decision Explanation as " 30% or more of this FRN is for telecom service to Largo Admin, Clearwater Evening, Academie Da Vinci, Ed Foundation, Fed Project, WPSC./Annex, Area III, Dixie H. Ad., PTEC Family Ed., which are ineligible recipients of this service, based on program rules." The statement in this explanation, however, is incorrect for two reasons:

First, as explained to Mr. Larry D'Agostino, who was working on processing this application, with the exception of Largo Admin, none of the above-mentioned entities have been included in the funding request. The names of these entities did appear on a copy of an invoice requested by Mr. D'Agostino but it was explained to him that the bill reflected all sites receiving the service and we could not be billed separately for sites that are E-Rate eligible and those that are not. Instead we separate those costs after the bill is received and request E-Rate reimbursement only for those sites that are indeed eligible.

Secondly, the statement made about Largo Admin being ineligible is incorrect. Attached you will find a copy of an email which clearly states that the Central Administration Building (aka Largo Admin) is eligible. Please refer to the email and case # 182552 for further clarification.

Taking this information into consideration, I believe the Funding Commitment Decision for this application should be reversed and the application should be approved in full. If you have any questions regarding this appeal, please contact Shannon Eddinger at (727) 588-1818 ext. 1815 or eddingersh@pinellas.k12.fl.us. You can also reach me by phone at (727) 588-6363 or email at keltonn@pinellas.k12.fl.us.

Respectfully,

Norman Kelton
Telecommunications Supervisor
Pinellas County Schools

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an equal opportunity
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Eddinger Shannon

From: Kelton Norm
Sent: Tuesday, July 08, 2003 5:27 PM
To: Eddinger Shannon
Subject: FW: Central Administration Building Eligibility for Local POTS and Long Distance, case 182552

Norman Kelton
Supervisor, Telecommunications
Pinellas County Schools
301 4th St. SW
Largo, FL 33770
727-588-6363

-----Original Message-----

From: E-Rate, SLC [mailto:slc.e-rate@pearson.com]
Sent: Monday, February 03, 2003 3:25 PM
To: 'Kelton Norm'
Subject: RE: Central Administration Building Eligibility for Local POTS and Long Distance, case 182552

Thank you for your inquiry. The Central Administration Building would be eligible for Local POTS and Long Distance Services.

Administrative Offices and Buildings Fact Sheet

Services to administrative offices and buildings are eligible for discounts under certain circumstances consistent with educational purposes. This Fact Sheet explains those circumstances.

1. <<http://www.sl.universalservice.org/reference/AOBFactSheet.asp#1>>
SLD Educational Purpose Policy Statement
2. <<http://www.sl.universalservice.org/reference/AOBFactSheet.asp#2>>
Services to Administrative Offices
3. <<http://www.sl.universalservice.org/reference/AOBFactSheet.asp#3>>
Services to Administrative Buildings

BM_1

1. SLD Educational Purpose Policy Statement

The following Educational Purpose policy statement was adopted by the Schools and Libraries Corporation Board of Directors on November 20, 1997:

"The primary purpose of the services for which support is sought must be the delivery of services into classrooms or other places of instruction at schools and libraries that meet the statutory definition of an eligible institution. Support for the administrative functions of library or education programs is permitted so long as the services are part of the network of shared services for learning. Universal service support will be limited to services delivered to the onsite educational facility or facilities. Services at a personal residence or at locations that do not host places of instruction or are not accessible to library patrons, with the exception of a centralized district office or similar facility, are not eligible for support."

BM_2

2. Services to Administrative Offices

Within Schools: Telecommunications Services, Internet Access, and Internal Connections for administrative offices in a school building are eligible for discounts only if the same services are also delivered to classrooms and other places of instruction in that building. The only exception is basic local and long distance telephone service, which is eligible for discounts even if the service is delivered only to an administrative office of the school building.

Example: If your school local area network is designed to include classrooms plus the principal's office, the nurse's office, and the teachers' lounge, the network installation as a whole would be eligible for discounts as Internal Connections. But if the same network did not include classrooms, it would not be eligible for discounts. If your school were applying for basic local and long distance telephone service only, however, services to the administrative offices would be eligible even if no classrooms were served.

Within Library Buildings: Telecommunications Services, Internet Access, and Internal Connections for administrative offices within a publicly accessible library are eligible for discounts only if the same services are also delivered to the publicly accessible rooms in that building as well. The only exception is basic local and long distance telephone service, which is eligible for discounts even if the service is delivered only to an administrative office of the library building.

Example: If your library's contract with an Internet Service Provider covers access from anywhere in the building, including the head librarian's office, then the head librarian's Internet access would be eligible for discounts. If Internet access is for the head librarian only, however, it would not be eligible for discounts. At the same time, if your library was applying for basic local and long distance telephone service only, services to the administrative offices would be eligible even if no areas accessible to library patrons were served.

BM_3

3. Services to Administrative Buildings

Definition of Administrative Buildings: Buildings operated by a school or school system that do not house classrooms, and buildings operated by a library or library system that are not accessible to library patrons, are defined as administrative buildings.

Telecommunications Services and Internet Access: Two-Part Test for Eligibility of Services to Administrative Buildings: Use the following test to determine whether Telecommunications Services or Internet Access for your administrative building(s) are eligible for discounts.

1. Is the building a centralized district office or similar facility?
2. Are the telecommunications and/or Internet services being provided to the administrative building as part of a network whose primary function is the delivery of such services to places of instruction in instructional buildings or rooms available to the public in libraries?

* If the answer to both is yes, then the services are eligible for discounts.

* If the answer to either is no, then such services are not eligible.

Example: Suppose your library system office, where the chief librarian and his or her staff is located, is also the hub of the telephone system that reaches each branch library building. The entire telecommunications system, including the services to the administrative building, would be eligible for discounts.

Example: Suppose your entire school district is covered by one Internet service contract providing access for all users, be they students in classrooms or staff in the central office where there are no classrooms. This entire contract would be eligible for Universal Service discounts as Internet Access.

Internal Connections: Internal connections in an administrative building are eligible only if the connections are essential for the effective transport of data and information within an instructional building. In particular, routers, hubs and servers located in an administrative building are eligible only if the building is the host for Local Area Networks (LANs) that serve instructional buildings. Connecting rooms within an administrative building by Ethernet or other means is not eligible.

Example: Suppose your school or library consists of several buildings, including an administrative building, on one campus not crossed by a public right of way. A network that connects all of these buildings on your campus would be considered a LAN; if the head-end of that network, including the server, hub, and router, were housed in the administrative building, then that server, hub, and router would be eligible for discounts.

Caution: In almost every instance, internal connections connecting administrative buildings with instructional buildings that are NOT on the same campus constitute a Wide Area Network. Please refer both to the, <http://www.sl.universalservice.org/reference/wan.asp> Wide Area Network (WAN) Fact Sheet and the <http://www.sl.universalservice.org/reference/eligible.asp> Eligible Services List (specifically, the Wide Area Network entries in the Telecommunications Services and Internet Access Sections) posted in the Reference Area of this web site."

If you have any further questions please feel free to contact our Schools & Libraries Helpline at 888-203-8100 or contact us at question@universalservice.org. Please remember to visit our website for updates (<http://www.sl.universalservice.org/>).

Thank you.

Universal Service Administrative Company Schools and Libraries Division.

<res,dkw>

-----Original Message-----

From: Kelton Norm [mailto:KELTONN@pinellas.k12.fl.us <<mailto:KELTONN@pinellas.k12.fl.us>>]
Sent: Monday, February 03, 2003 12:44 PM
To: 'question@universalservice.org'
Cc: Eddinger Shannon
Subject: FW: Central Administration Building Eligibility for Local POTS and Long Distance

I submitted this question and am still waiting for a response. Please advise.

Thanks,

Norman Kelton
Supervisor, Telecommunications
Pinellas County Schools
301 4th St. SW
Largo, FL 33770
727-589-6363

> -----Original Message-----

> From: Kelton Norm
> Sent: Friday, January 24, 2003 2:07 PM
> To: 'question@universalservice.org'
> Cc: Eddinger Shannon
> Subject: Central Administration Building Eligibility for Local POTS
> and Long Distance
>
> I have a question and need to get a definitive ruling on whether the
> following service is eligible for e-rate.
>

> We have one or more Administration Buildings in our school district
> that house Curriculum & Instruction Supervisors who work with the
> schools in the delivery of instruction. Each facility has local pots
> service and long distance service. Are these services available for
> e-rate?
>
> Keep in mind this is no different than an a dedicated administration
> building or floor within a school site/property. You have already
> called out an exception for local pots service and long distance
> service and stated those services are eligible for discount even
> though they are not part of an instructional network or are not having
> instruction take place over the lines.
>
> Our feeling is that, by extrapolation, the Administration should be
> eligible for service.
>
> Please advise ASAP.
>
> Thanks.
>
>
> Norman Kelton
> Supervisor, Telecommunications
> Pinellas County Schools
> 301 4th St. SW
> Largo, FL 33770
> 727-588-6363
>

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